

Nation's volunteer programs into a true 21st century program, and we will also help solve one of the most pressing challenges of this century, global warming, while helping our kids as well.

Mr. Chairman, I yield 1 minute to Chairwoman MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Chairman, I want to say thank you to my colleague for offering this amendment, and I certainly fully support it. But I want to also address Mr. FLAKE's concern and clarify: While OMB conducted a part assessment on Learn and Serve, the Summer of Service initiative, what we are proposing is a new initiative that I believe has not been parted.

So with that being said, I think that when we look at the whole bill, and especially for the Summer of Service part, we have an opportunity to help our people, our young people during the summertime. This, to me, can certainly cut down on what we are seeing in our communities across this country right now, on more violence in our communities. We have to look at what is the underlying cause.

With that being said, we are certainly doing the most we can for the little amount of money that we have, to make the biggest impact on these children's lives. So with that being said, I certainly hope that when we come down to it that we will be against Mr. FLAKE's amendment and let this bill go forward, and let's help the young people, let's help our veterans, let us help everybody in this particular amendment. It is a good bill. It has been overwhelmingly supported on both sides of the aisle, but this particular amendment, as far as I am concerned, would hurt too many of our young people.

□ 1315

Mr. INSLEE. Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PLATTS. Mr. Chairman, while I certainly understand the focus and intent of this amendment, I rise in opposition and worry that this amendment will create more bureaucracy and administrative costs rather than focus on getting dollars out to the participants in the programs.

The focus of the GIVE Act is on streamlining our national service programs to make them more effective, efficient, and accountable. To do that, we have refocused a number of programs and added priorities to others to ensure that national service funds are being spent on initiatives that meet the most pressing needs.

We have accomplished that by working within the existing program structures rather than piling new programs on top of existing programs with similar purposes. I share the gentleman's

concerns in the area of energy conservation. I believe a better approach to this issue would have been to work within existing structures. In fact, this bill already does that by addressing energy usage and conservation in a number of areas.

Learn and Service, a new Summer of Service program, includes a focus on energy conservation. And in the innovative program section of that program, energy conservation is specifically included as a type of program eligible for funding.

Under the National Civilian Community Corps, energy conservation was specifically added as a new purpose for that program. And under the programs of national significance authority within the Senior Corps, energy conservation and environmental stewardship were added as types of programs eligible for funding.

Obviously, infrastructure issues are found throughout the bill because we recognize that this is a priority in many locations. But establishing a new corps that will siphon away already scarce resources will only undermine the efforts of the amendment's sponsors to bring greater focus to these types of programs.

I understand this amendment authorizes \$10 million for fiscal year 2009. Well, not within this specific act, but the Public Land Corps within the Department of the Interior already exists and is funded by the Federal Government at the amount of \$2.5 million this year and it is authorized for \$12 million. This program, the Public Land Corps, engages disadvantaged youth ages 16-24 in protecting public lands and the environment, including global warming and emissions reduction.

So my opposition is not to the focus of the effort, but I believe we are being duplicative and are going to waste hours on administrative costs in creating a new program rather than investing these dollars in existing programs that will better focus on energy conservation.

So I would encourage a "no" vote, and ask Members to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield 10 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I just want to clarify I certainly am in support of the Inslee-Sarbanes amendment. I just wanted to clarify that.

Mr. INSLEE. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I just want to say that I am in strong support of this amendment. I am glad to cosponsor it with Congressman INSLEE.

The way we are going to make improvement with our environment is when hundreds of thousands of people develop the habits that clean up the environment instead of having the habits that hurt the environment. There is

no better way to do this than to establish this Energy Conservation Corps which brings a service dimension for our young people and for our seniors in the Learn and Service programs to support this green frontier that we are embarked upon.

So I think it is a critical boost to the other efforts that we are making on the energy horizon.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

I just want to again emphasize that the GIVE Act specifically includes "energy conservation and stewardship as specified allowable uses of grant funds in programs already in place." So I would encourage a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PLATTS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

Mrs. MCCARTHY of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2857) to reauthorize and reform the national service laws, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 1:30 p.m. today.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess until approximately 1:30 p.m.

□ 1330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSON of Connecticut) at 1 o'clock and 30 minutes p.m.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1015 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2857.

□ 1331

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws, with Mr. HOLDEN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 11 printed in House Report 110-539 by the gentleman from Washington (Mr. INSLEE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-539 on which further proceedings were postponed, in the following order:

Amendment No. 10 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. INSLEE of Washington.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 260, not voting 20, as follows:

[Roll No. 105]

AYES—153

Aderholt	Conaway	Heller
Akin	Crenshaw	Hensarling
Alexander	Cubin	Herger
Bachus	Culberson	Hobson
Barrett (SC)	Davis (KY)	Hoekstra
Bartlett (MD)	Davis, David	Hunter
Biggert	Deal (GA)	Inglis (SC)
Bilbray	Dent	Issa
Bilirakis	Doolittle	Johnson (IL)
Bishop (UT)	Drake	Johnson, Sam
Blackburn	Dreier	Jones (NC)
Blunt	Duncan	Jordan
Boehner	English (PA)	King (IA)
Bonner	Everett	Kingston
Bono Mack	Fallin	Kline (MN)
Boozman	Feeney	Knollenberg
Boustany	Flake	Kuhl (NY)
Brady (TX)	Forbes	Lamborn
Broun (GA)	Fossella	Latham
Brown (SC)	Fox	Lewis (CA)
Buchanan	Franks (AZ)	Lewis (KY)
Burgess	Garrett (NJ)	Lucas
Burton (IN)	Gerlach	Lungren, Daniel
Buyer	Gillibrand	E.
Calvert	Gingrey	Mack
Camp (MI)	Gohmert	Manzullo
Campbell (CA)	Goode	Marchant
Cannon	Goodlatte	Marshall
Cantor	Granger	McCarthy (CA)
Carter	Graves	McCaul (TX)
Chabot	Hall (TX)	McCollum (MN)
Coble	Hastings (WA)	McCotter
Cole (OK)	Hayes	McHenry

McKeon	Rehberg
McMorris	Reichert
Rodgers	Reynolds
Miller (FL)	Rogers (AL)
Miller (MI)	Rogers (KY)
Miller, Gary	Rogers (MI)
Moran (KS)	Rohrabacher
Musgrave	Roskam
Myrick	Royce
Neugebauer	Ryan (WI)
Nunes	Sali
Paul	Schmidt
Pearce	Sensenbrenner
Pence	Sessions
Peterson (PA)	Shadegg
Pitts	Shimkus
Price (GA)	Shuster
Putnam	Simpson
Radanovich	Smith (NE)

NOES—260

Abercrombie	Faleomavaega	Meeks (NY)
Ackerman	Farr	Melancon
Allen	Fattah	Mica
Altmire	Ferguson	Michaud
Andrews	Filner	Miller (NC)
Arcuri	Fortenberry	Miller, George
Baca	Frank (MA)	Mitchell
Bachmann	Gallagher	Mollohan
Baldwin	Giffords	Moore (KS)
Barrow	Gilchrest	Moore (WI)
Barton (TX)	Gordon	Moran (VA)
Bean	Green, Al	Murphy (CT)
Becerra	Green, Gene	Murphy, Patrick
Berkley	Grijalva	Murphy, Tim
Berman	Gutierrez	Murtha
Berry	Hall (NY)	Nadler
Bishop (GA)	Hare	Napolitano
Bishop (NY)	Harman	Neal (MA)
Blumenauer	Hastings (FL)	Norton
Bordallo	Herseth Sandlin	Oberstar
Boren	Higgins	Obe
Boswell	Hill	Olver
Boucher	Hinche	Ortiz
Boyd (FL)	Hinojosa	Pallone
Boyda (KS)	Hirono	Pascarell
Brady (PA)	Hodes	Pastor
Braley (IA)	Holden	Payne
Brown, Corrine	Holt	Perlmutter
Butterfield	Honda	Peterson (MN)
Capito	Hooley	Petri
Capps	Hoyer	Pickering
Capuano	Inslee	Platts
Cardoza	Israel	Pomeroy
Carnahan	Jackson (IL)	Porter
Carney	Jackson-Lee	Price (NC)
Castle	(TX)	Rahall
Castor	Jefferson	Ramstad
Chandler	Johnson (GA)	Regula
Christensen	Jones (OH)	Renzi
Clarke	Kagen	Reyes
Clay	Kanjorski	Richardson
Cleaver	Kaptur	Rodriguez
Clyburn	Kennedy	Ros-Lehtinen
Cohen	Kildee	Ross
Conyers	Kilpatrick	Rothman
Cooper	Kind	Roybal-Allard
Costa	King (NY)	Ruppersberger
Costello	Kirk	Ryan (OH)
Courtney	Klein (FL)	Salazar
Cramer	Kucinich	Sanchez, Linda
Crowley	LaHood	T.
Cuellar	Lampson	Sanchez, Loretta
Cummings	Langevin	Sarbanes
Davis (AL)	Larsen (WA)	Saxton
Davis (CA)	Larson (CT)	Schakowsky
Davis (IL)	LaTourette	Schwartz
Davis, Lincoln	Latta	Scott (GA)
Davis, Tom	Lee	Scott (VA)
DeFazio	Levin	Serrano
DeGette	Lewis (GA)	Shays
Delahunt	Lipinski	Shea-Porter
DeLauro	LoBiondo	Sherman
Diaz-Balart, L.	Loeb	Shuler
Diaz-Balart, M.	Lofgren, Zoe	Sires
Dicks	Lowey	Skelton
Dingell	Lynch	Slaughter
Doggett	Mahoney (FL)	Smith (NJ)
Donnelly	Maloney (NY)	Smith (WA)
Doyle	Markey	Snyder
Edwards	Matheson	Space
Ehlers	Matsui	Spratt
Ellison	McCarthy (NY)	Stark
Ellsworth	McDermott	Stupak
Emanuel	McGovern	Sutton
Emerson	McHugh	Tanner
Engel	McIntyre	Tauscher
Eshoo	McNerney	Taylor
Etheridge	McNulty	Terry

Smith (TX)	Thompson (CA)
Souder	Thompson (MS)
Stearns	Tierney
Sullivan	Towns
Tancred	Tsongas
Thornberry	Turner
Tiberi	Udall (CO)
Walberg	Udall (NM)
Wamp	Upton
Weldon (FL)	Van Hollen
Westmoreland	
Whitfield (KY)	
Wilson (NM)	
Wilson (SC)	
Wittman (VA)	
Wolf	
Young (AK)	
Young (FL)	

Velázquez	Waxman
Visclosky	Weiner
Walden (OR)	Welch (VT)
Walsh (NY)	Weller
Walz (MN)	Wexler
Wasserman	Wilson (OH)
Schultz	Wu
Waters	Wynn
Watson	Yarmuth
Watt	

NOT VOTING—20

Baird	Johnson, E. B.	Rangel
Brown-Waite,	Keller	Rush
Ginny	Linder	Schiff
Fortuño	McCrery	Sestak
Frelinghuysen	Meek (FL)	Solis
Gonzalez	Poe	Tiahrt
Hulshof	Pryce (OH)	Woolsey

□ 1359

Messrs. ROTHMAN, BRADY of Pennsylvania, WU, Mrs. CAPPS, Mr. CARDOZA, Ms. SCHAKOWSKY, Messrs. TIM MURPHY of Pennsylvania, OBERSTAR, RAMSTAD, TANNER, EHLERS and FORTENBERRY changed their vote from “aye” to “no.”

Messrs. KNOLLENBERG, DAVIS of Kentucky, CAMP of Michigan and REYNOLDS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SCHIFF. Mr. Chairman, on rollcall No. 105, had I been present, I would have voted “no.”

Ms. McCOLLUM of Minnesota. Mr. Chairman, I intended to vote “no” on amendment number 10 of House Report 110-539 offered by Mr. FLAKE of Arizona during debate on H.R. 2857, the Generations Invigorating Volunteerism and Education Act.

AMENDMENT NO. 11 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 161, not voting 20, as follows:

[Roll No. 106]

AYES—252

Abercrombie	Bilbray	Capuano
Ackerman	Bishop (GA)	Cardoza
Allen	Bishop (NY)	Carnahan
Altmire	Blumenauer	Carney
Andrews	Bordallo	Castle
Arcuri	Boren	Castor
Baca	Boswell	Chandler
Baird	Boucher	Christensen
Baldwin	Boyd (FL)	Clarke
Barrow	Boyda (KS)	Clay
Bartlett (MD)	Brady (PA)	Cleaver
Bean	Braley (IA)	Clyburn
Becerra	Brown, Corrine	Cohen
Berkley	Butterfield	Conyers
Berman	Capito	Cooper
Berry	Capps	Costa

Costello	Kennedy	Ramstad
Courtney	Kildee	Reichert
Cramer	Kilpatrick	Renzi
Crowley	Kind	Reyes
Cuellar	Kirk	Richardson
Cummings	Klein (FL)	Rodriguez
Davis (AL)	Kucinich	Ros-Lehtinen
Davis (CA)	Lampson	Ross
Davis (IL)	Langevin	Rothman
Davis, Lincoln	Larsen (WA)	Roybal-Allard
DeFazio	Larson (CT)	Ruppersberger
DeGette	LaTourette	Ryan (OH)
Delahunt	Lee	Salazar
DeLauro	Levin	Sánchez, Linda T.
Diaz-Balart, L.	Lewis (GA)	Sanchez, Loretta
Dicks	Lipinski	Sarbanes
Dingell	LoBiondo	Saxton
Doggett	Loeb	Schakowsky
Donnelly	Lofgren, Zoe	Schiff
Doyle	Lowe	Schwartz
Edwards	Lynch	Scott (GA)
Ehlers	Mahoney (FL)	Scott (VA)
Ellison	Maloney (NY)	Shays
Ellsworth	Markey	Shea-Porter
Emanuel	Marshall	Sherman
Engel	Matheson	Shuler
Eshoo	Matsui	Sires
Etheridge	McCarthy (NY)	Skelton
Faleomavaega	McCollum (MN)	Slaughter
Farr	McDermott	Smith (NJ)
Fattah	McGovern	Smith (WA)
Ferguson	McHugh	Snyder
Filner	McIntyre	Souder
Fortenberry	McNerney	Space
Frank (MA)	McNulty	Spratt
Frelinghuysen	Meek (FL)	Stark
Giffords	Meeks (NY)	Stupak
Gilchrest	Melancon	Sutton
Gillibrand	Michaud	Tanner
Gordon	Miller (MI)	Tauscher
Green, Al	Miller (NC)	Taylor
Green, Gene	Miller, George	Thompson (CA)
Grijalva	Mitchell	Thompson (MS)
Gutierrez	Mollohan	Tierney
Hall (NY)	Moore (KS)	Towns
Hare	Moore (WI)	Tsongas
Harman	Moran (VA)	Udall (CO)
Hastings (FL)	Murphy (CT)	Udall (NM)
Hereth Sandlin	Murphy, Patrick	Upton
Higgins	Murtha	Van Hollen
Hill	Nadler	Velázquez
Hinche	Napolitano	Visclosky
Hinojosa	Neal (MA)	Walz (MN)
Hirono	Norton	Wasserman
Hodes	Oberstar	Schultz
Holden	Obey	Waters
Honda	Oliver	Watson
Hooley	Ortiz	Watt
Hoyer	Pallone	Waxman
Inslee	Pascrell	Weiner
Israel	Pastor	Welch (VT)
Jackson (IL)	Payne	Weller
Jefferson	Perlmutter	Wexler
Johnson (GA)	Peterson (MN)	Wilson (OH)
Johnson (IL)	Peterson (PA)	Wu
Jones (OH)	Pomeroy	Wynn
Kagen	Porter	Yarmuth
Kanjorski	Price (NC)	
Kaptur	Rahall	

NOES—161

Aderholt	Cantor	Franks (AZ)
Akin	Carter	Gallely
Alexander	Chabot	Garrett (NJ)
Bachmann	Coble	Gerlach
Bachus	Cole (OK)	Gingrey
Barrett (SC)	Conaway	Gohmert
Barton (TX)	Crenshaw	Goode
Biggert	Cubin	Goodlatte
Bilirakis	Culberson	Granger
Bishop (UT)	Davis (KY)	Graves
Blackburn	Davis, David	Hall (TX)
Blunt	Davis, Tom	Hastings (WA)
Boehner	Deal (GA)	Hayes
Bonner	Dent	Heller
Bono Mack	Diaz-Balart, M.	Hensarling
Boozman	Doolittle	Herger
Boustany	Drake	Hobson
Brady (TX)	Dreier	Hoekstra
Broun (GA)	Duncan	Hunter
Brown (SC)	Emerson	Inglis (SC)
Buchanan	English (PA)	Issa
Burgess	Everett	Johnson, Sam
Burton (IN)	Fallin	Jones (NC)
Buyer	Feeney	Jordan
Calvert	Flake	King (IA)
Camp (MI)	Forbes	King (NY)
Campbell (CA)	Fossella	Kingston
Cannon	Fox	Kline (MN)

Knollenberg	Neugebauer	Shimkus
Kuhl (NY)	Nunes	Shuster
LaHood	Paul	Simpson
Lamborn	Pearce	Smith (NE)
Latham	Pence	Smith (TX)
Latta	Petri	Stearns
Lewis (KY)	Pickering	Sullivan
Lucas	Pitts	Tancred
Lungren, Daniel E.	Platts	Terry
Mack	Price (GA)	Thornberry
Manzullo	Putnam	Tiberi
Marchant	Radanovich	Turner
McCarthy (CA)	Regula	Walberg
McCaul (TX)	Rehberg	Walden (OR)
McCotter	Reynolds	Walsh (NY)
McHenry	Rogers (AL)	Wamp
McKeon	Rogers (KY)	Weldon (FL)
McMorris	Rogers (MI)	Westmoreland
Rodgers	Rohrabacher	Whitfield (KY)
Mica	Roskam	Wilson (NM)
Miller (FL)	Royce	Wilson (SC)
Miller, Gary	Ryan (WI)	Wittman (VA)
Moran (KS)	Sali	Wolf
Murphy, Tim	Schmidt	Young (AK)
Musgrave	Sensenbrenner	Young (FL)
Myrick	Sessions	
	Shadegg	

NOT VOTING—20

Brown-Waite,	Johnson, E. B.	Rush
Ginny	Keller	Serrano
Fortuño	Lewis (CA)	Sestak
Gonzalez	Linder	Solis
Holt	McCrery	Tiaht
Hulshof	Poe	Woolsey
Jackson-Lee	Pryce (OH)	
(TX)	Rangel	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1406

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2857) to reauthorize and reform the national service laws, pursuant to House Resolution 1015, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANIEL E. LUNGREN of California. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Daniel E. Lungren of California moves to recommit the bill, H.R. 2857, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Speaker, I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7, rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is unfortunate the gentleman has raised this point of order rather than allowing a straight up-or-down vote on the Senate-passed FISA legislation.

Let me speak specifically to the point of order and why, in fact, this motion to recommit is in order.

The underlying purpose of the germaneness rule is that it "prevents the presentation to the House of propositions that might not reasonably be anticipated and for which it might not be properly prepared." I cite to 8 Cannon, section 2993. That is clearly not the case here in that this body has dealt extensively with the subject matter of the Foreign Intelligence Surveillance Act. And, in fact, we were informed by the majority that we were to be prepared to vote on that this week.

Mr. GEORGE MILLER of California. Mr. Speaker, the scheduling of the House is not the subject of this point of order. I raised a point of order that the motion addresses the jurisdiction of committees not represented in the underlying bill. Neither the Judiciary Committee or the Intelligence Committee is represented in the underlying bill, not the schedule of the House.

The SPEAKER pro tempore. The Chair will continue to hear the gentleman from California, Representative LUNGREN, discuss the point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, despite the difference in titles of H.R. 2857 and H.R. 3773 relating to the motion, that is not controlling under Deschler-Brown, chapter 28, section 24. As a matter of

fact, it refers to the fundamental purpose of the motion. The fundamental purpose of this motion does relate to H.R. 2857, as required by sections 935 and 936 of the House manual.

The report on H.R. 2857 from the gentleman's committee states clearly in its statement of purpose of the bill found on page 57 of that report that the legislation seeks to emphasize, and I quote, "the critical role of service in meeting the national priorities of emergency and disaster preparedness; and improves program integrity." That is from the report on the bill from the gentleman's committee.

In other words, the critical issue of homeland security provides the required nexus between the subject matters of H.R. 2857 and the motions as required under sections 935 and 936 of the House manual.

Further, I would argue, it is clear that the subject matter requirements of section 935 and 936 of the House manual are satisfied. A specific section of the legislation brought to the floor by the gentleman's committee relating to "Emergency and Disaster Preparedness" provides on page 71 of the gentleman's committee report that "H.R. 2857 supports the role of service in addressing emergency and disaster preparedness." These are the words from the gentleman's committee's report. "In addition, this program may engage Federal, State, and local stakeholders to collaborate to achieve a more effective response to issue public safety, public health, emergencies and disasters."

Mr. GEORGE MILLER of California. Mr. Speaker, I insist upon my point of order. The gentleman again is speaking to the scheduling of the floor of the House. The bill, in its entirety, speaks to national voluntary service. The gentleman, I guess, is talking about the intelligence service. And the fact of the matter is, under the point of order there is nothing in this legislation within the jurisdiction of the committees, for the motion to recommit, of the Intelligence Committee or the Judiciary Committee, and I insist upon my point of order.

Mr. DANIEL E. LUNGREN of California. May I continue my response?

The SPEAKER pro tempore. The Chair will continue to hear the gentleman from California as long as he confines his remarks to the point of order.

Mr. DANIEL E. LUNGREN of California. I was attempting to specify the germaneness, quoting specifically from the language of the committee report justifying support for this bill. I did not bring up public safety, public health, emergencies and disasters and effective response thereto. That is the premise contained in the bill and the committee report.

□ 1415

Mr. Speaker, if we are to be able to respond to public safety, emergencies, and disasters, it does not limit it in the

language of the gentleman's committee report to natural disasters. It therefore includes man-made disasters, of which we are very, very cognizant. And 9/11 is perhaps the greatest example. So the bill itself justifies its existence in that the individuals, under the ambit of the bill, to support responses for public safety, public health, emergencies, and disasters are affected in very specific ways by our capacity, our capacity, to determine beforehand what the nature of the disasters and emergencies would be and therefore allow us to array our individuals under this bill in concert, as is stated by the gentleman's report, to collaborate with Federal, State, and local stakeholders. In that way my amendment is very much germane to the main purpose of the bill and the specifics of the bill.

Finally, the language of H.R. 2857 emphasizes the ability to deploy the National Civilian Community Corps to emergencies and disasters. It does not limit it to natural emergencies or disasters, therefore including terrorist attacks.

Mr. GEORGE MILLER of California. Mr. Speaker, I insist on my point of order. Again, had we been involved with the committees of jurisdiction that the gentleman is referring to, the bill would have been referred by the Parliamentarian to those committees, and it was not. And let me just inform the gentleman. I know he's been out for a couple of days and he comes back with great vigor, and I admire his arguments. But there is nothing within the programs of Teach for America or the Boys and Girls Club of America or the Big Brothers Big Sisters program or the YouthBuild or the National Council on Aging or the Senior Citizen Nutrition Program or the American Red Cross, there is nothing in those programs that require that they eavesdrop or wiretap anybody's phones before they can deliver their services. And there is nothing within the jurisdiction of this legislation or of this committee that deals with those matters, and there is nothing in this bill that deals with the matters within the jurisdiction of those committees. And I insist upon my point of order.

The SPEAKER pro tempore. The Chair will allow the gentleman from California 2 minutes to close his argument.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the gentleman says, with some humor in his voice, that we ought not to be considering the question of wiretapping. That is not the question we bring before us today. The question we bring before of us today and why this is germane is whether or not we have the ability to listen in on those who would kill us and therefore prepare for these disasters before they occur and, more than that, prevent them.

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman from California is required to speak to the point of order.

Mr. DANIEL E. LUNGREN of California. I am speaking to the point of order.

The SPEAKER pro tempore. The chair has estimated that the gentleman would need 2 minutes to conclude his argument, and 1 minute remains.

Mr. GEORGE MILLER of California. Parliamentary inquiry, Mr. Speaker.

The gentleman must speak to the point of order which has been made with respect to the fact that there is nothing in this committee speaking to those jurisdictions.

The SPEAKER pro tempore. The Chair is willing to hear the gentleman from California for another minute to conclude his argument on the point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, to suggest that intelligence gathered to prevent disaster has nothing to do with the ability of those we are asking under this bill to respond to disaster reminds one of the comment in literature years ago when one was confronted with the incongruity of the law and that person responded by saying: The law, sir, is an ass.

I would not suggest we are at that point here, but I would suggest this: for anyone to say that, to blind ourselves to the information that would allow us to prevent disasters and prepare for the disasters, to say that that is irrelevant to the debate today shows how irrelevant the debate today is to the needs of the people of the State of California, the Nation, and, frankly, our allies. It is germane, Mr. Speaker.

The SPEAKER pro tempore. The chair has heard the gentlemen's argument.

The Chair will hear individual Members in turn. They may not yield to one another. They may not interrupt one another except by proper objection concerning relevance.

Mr. GEORGE MILLER of California. Mr. Speaker, I insist upon my point of order.

And I appreciate that perhaps there's some confusion on the other side of the aisle between the Big Brothers of this program and Big Brother that you're thinking about.

I insist upon my point of order.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair most recently ruled on March 5, 2008, the instructions in the motion to recommit address a matter unrelated to the issues addressed in the underlying bill, and within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore not germane, and the point of order is sustained. The motion is not in order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to appeal the Speaker's ruling, with all due respect.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 191, answered “present” 1, not voting 15, as follows:

[Roll No. 107]

YEAS—221

Abercrombie	Gordon	Murphy, Patrick
Ackerman	Green, Al	Murtha
Allen	Green, Gene	Nadler
Altmire	Grijalva	Napolitano
Andrews	Gutierrez	Neal (MA)
Arcuri	Hall (NY)	Oberstar
Baca	Hare	Obey
Baird	Harman	Olver
Baldwin	Hastings (FL)	Ortiz
Bean	Herseth Sandlin	Pallone
Becerra	Higgins	Pascarell
Berkley	Hill	Pastor
Berman	Hinchee	Paul
Berry	Hinojosa	Payne
Bishop (GA)	Hirono	Perlmutter
Bishop (NY)	Hodes	Peterson (MN)
Blumenauer	Holden	Pomeroy
Boren	Holt	Price (NC)
Boswell	Honda	Rahall
Boucher	Hooley	Reyes
Boyd (FL)	Hoyer	Richardson
Boyd (KS)	Inslee	Rodriguez
Brady (PA)	Israel	Ross
Braley (IA)	Jackson (IL)	Rothman
Brown, Corrine	Jackson-Lee	Roybal-Allard
Butterfield	(TX)	Ruppersberger
Capps	Jefferson	Ryan (OH)
Capuano	Johnson (GA)	Salazar
Cardoza	Jones (OH)	Sanchez, Linda
Carnahan	Kagen	T.
Carney	Kanjorski	Sanchez, Loretta
Castor	Kaptur	Sarbanes
Chandler	Kennedy	Schakowsky
Clarke	Kildee	Schiff
Clay	Kilpatrick	Schwartz
Cleaver	Kind	Scott (GA)
Clyburn	Klein (FL)	Scott (VA)
Cohen	Kucinich	Serrano
Conyers	Langevin	Shea-Porter
Cooper	Larsen (WA)	Sherman
Costa	Larson (CT)	Shuler
Costello	Lee	Sires
Courtney	Levin	Skelton
Cramer	Lewis (GA)	Slaughter
Crowley	Lipinski	Smith (WA)
Cuellar	Loeb sack	Snyder
Cummings	Lofgren, Zoe	Space
Davis (AL)	Lowey	Spratt
Davis (CA)	Lynch	Stark
Davis (IL)	Mahoney (FL)	Stupak
DeFazio	Maloney (NY)	Sutton
DeGette	Markey	Tanner
Delahunt	Marshall	Tauscher
DeLauro	Matsui	Taylor
Dicks	McCarthy (NY)	Thompson (CA)
Dingell	McCollum (MN)	Thompson (MS)
Doggett	McDermott	Tierney
Donnelly	McGovern	Towns
Doyle	McIntyre	Tsongas
Edwards	McNerney	Udall (CO)
Ellison	McNulty	Udall (NM)
Ellsworth	Meek (FL)	Van Hollen
Emanuel	Meeks (NY)	Velázquez
Engel	Melancon	Visclosky
Eshoo	Michaud	Walz (MN)
Etheridge	Miller (NC)	Wasserman
Farr	Miller, George	Schultz
Fattah	Mitchell	Waters
Filner	Mollohan	Watson
Frank (MA)	Moore (KS)	Watt
Giffords	Moore (WI)	Waxman
Gilchrest	Moran (VA)	Weiner
Gillibrand	Murphy (CT)	

Welch (VT)
Wexler

Wilson (OH)
Wu

Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubbin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Mushgrave
Myrick

Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancred
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

MOTION TO RECOMMIT OFFERED BY MR. KUHLMAN OF NEW YORK

Mr. KUHLMAN of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KUHLMAN of New York. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kuhl of New York moves to recommit the bill H.R. 2857 to the Committee on Education and Labor with instructions to report the same back to the House promptly with the following amendments:

Page 123, line 10, strike the quotation marks and period.

Page 123, after line 10, insert the following new section:

“SEC. 189D. CRIMINAL HISTORY CHECKS.

“(a) IN GENERAL.—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

“(b) REQUIREMENTS.—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the Department of Justice National Sex Offender Public Registry and—

“(1) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

“(2) a Federal Bureau of Investigation fingerprint check.

“(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

“(1) refuses to consent to the criminal history check described in subsection (b);

“(2) makes a false statement in connection with such criminal history check;

“(3) is registered, or is required to be registered, on a State sex offender registry or the national sex offender registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.”.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KUHLMAN of New York. Thank you, Mr. Speaker.

I rise to offer this motion to recommit to strengthen the bill before us, H.R. 2857, and the national service laws to ensure that we are all doing what we can to protect those individuals being served by these programs and by the Federal investment in national service.

Sparked by a 2005 Inspector General report that found rampant, and I recognize and emphasize that word “rampant,” noncompliance with individual grant provisions requiring background checks, the Corporation for National Community Service recently completed a rulemaking process to institute background checks for any individuals seeking a federally funded national service position within the Senior Companion and the Foster Grandparent program and from the

ANSWERED “PRESENT”—1

Johnson (IL)

NOT VOTING—15

Brown-Waite,
Ginny
Gonzalez
Hulshof
Johnson, E. B.
Keller

Linder
McCrery
Poe
Pryce (OH)
Rangel
Rush

Sestak
Solis
Woolsey
Young (FL)

□ 1440

Mr. BURGESS changed his vote from “yea” to “nay.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on rollcall Nos. 105–107, I was unavoidably detained. Had I been present, I would have voted “aye” on rollcall 105, “no” on rollcall 106, and “nay” on rollcall 107.

AmeriCorps positions in which individuals have access to a vulnerable population.

□ 1445

The regs also prohibited individuals from serving in these positions if they were registered sex offenders.

Mr. Speaker, I applaud the administration for taking these steps to protect vulnerable populations being served by the national service programs. But I believe that we should go further and provide more protection.

First, this motion to recommit would codify the corporation's regulations, ensuring that these protections are not subject to the whims of future administrations. Despite current efforts, program audits conducted by the Office of the Inspector General have detected a disturbing pattern of noncompliance with criminal background check provision requirements. In some cases, programs have failed to conduct checks.

Just as disturbing, however, other programs have failed to retain the documentation providing this background check information that was conducted for members working with youth and other vulnerable persons.

Second, this motion to recommit would expand on the corporation's efforts by including, and I emphasize that, including all federally funded national service provision positions, not just those within the foster grandparents and senior competitive programs or just those AmeriCorps programs dealing with specific populations.

Finally, Mr. Speaker, in addition to prohibiting registered sex offenders from serving in these positions, this motion to recommit would include those individuals convicted of murder as well.

Mr. Speaker, our message is clear with this motion to recommit: if you are a program receiving assistance under these national service laws and are accepting participants to serve in federally funded programs and positions within your program, we expect you to screen those potential participants to ensure that they are not, and I emphasize again, not registered sex offenders or convicted murderers. And if you wish to serve in federally funded national service positions, some of which include as their reward an education award that exceeds that which is received by low-income students through the form of a Pell Grant, you are not welcome if you have committed these crimes.

Mr. Speaker, some people would ask, Why do we include these crimes? We believe that these crimes are so egregious that they demand Federal action. But also we hope that by requiring criminal history background checks, programs will have increased information with which they can exercise good judgment. It only seems to make sense. To repeat myself, we also hope that by requiring criminal background checks, programs will have the increased infor-

mation from which they can exercise good judgment in deciding who deserves the rewards that come with federally funded national service positions.

Mr. Speaker, I urge my colleagues to support this motion to recommit, which would provide the Education and Labor Committee further time to deliberate on this important topic. This motion expresses a loud and clear message that the House of Representatives believes that those in need who are served by programs supported with assistance under these laws should be assured that they will not be placed in harm's way when approaching these programs for help.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to speak to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. As I understand the motion, Mr. Speaker, it is to codify the regulations that were finalized in November of last year that the Department has proposed for background checks and protection of the programs; is that correct?

Mr. KUHL of New York. If the gentleman will yield, that is one aspect of the motion. It goes farther than that.

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, I think we agree with you, and I would ask if the gentleman would accept a unanimous consent request to change "promptly" to "forthwith" so we could vote on it now and report the bill out.

Mr. KUHL of New York. Mr. Speaker, I recently sat and listened to the debate on the prior attempt to bring a motion to recommit on a significant issue, that being the Foreign Intelligence Surveillance Act. If the gentleman would amend his unanimous consent request to include that so we might have a vote, I would be happy to.

Mr. GEORGE MILLER of California. Mr. Speaker, I reclaim my time.

I just want to say that this is unfortunate, because this is an amendment that we would agree to. It embodies the regulations supported by the Bush administration. It affects a program that has huge bipartisan support in all of our communities, that the President is in support of and is looking for the opportunity to sign this bill. But the gentleman insists upon making his motion in the form of "promptly," so that the bill has to go back to committee, which makes everything much more complicated in terms of the passage of this bill.

Mr. KUHL of New York. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. KUHL of New York. Mr. Speaker, it is my understanding that the appropriations for these particular programs don't expire for another several months.

Mr. GEORGE MILLER of California. I reclaim my time and would just say that this amendment was never offered in committee, it was never taken to the Rules Committee. This is sort of a "gotcha." But, unfortunately, it dramatically impacts the timetable for this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1015, further proceedings on the bill will be postponed.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, March 5, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two administrative subpoenas for documents issued by the Merit Systems Protection Board.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

DANIEL P. BEARD,
Chief Administrative Officer.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to indicate the positions I would have taken on votes missed because I was unavoidably detained in my district, and, lastly, I was unavoidably detained at a meeting with the Dialogue on Diversity.

On rollcall vote No. 90, H.R. 816, I would have voted "aye"; rollcall vote No. 89, I would have voted "aye"; rollcall vote No. 88, I would have voted "aye"; rollcall vote No. 87, I would have voted "aye"; rollcall vote No. 86, I would have voted "aye"; rollcall vote No. 85, I would have voted "aye"; and to the Inslee-Sarbanes amendment No. 11 to H.R. 2857, I was unavoidably detained with Dialogue on Diversity today and I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my positions on these legislative initiatives be placed in the appropriate place in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I wonder in view of the truncated schedule that we have had this afternoon, if anyone on the majority side knows if we might be bringing up the Foreign Intelligence Surveillance Act, the FISA Act, the bipartisan Senate bill that was passed